

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: December 30, 2021

ROBERT JAEGLER,

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No. 20-1421V

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Petitioner,

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Special Master Sanders

v.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Ruling on Entitlement; Influenza

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("Flu") Vaccine; Radial Nerve Injury

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Respondent.

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Renee J. Gentry, The Law Office of Renee J. Gentry, Washington, DC, for Petitioner.

Ronaldi E. Kosh, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On October 20, 2020, Robert Jaegle ("Petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program² ("Vaccine Program" or "Program"). 42 U.S.C. § 300aa-10 to 34 (2012). Petitioner alleged that an influenza ("flu") vaccine administered on November 12, 2017, caused him to suffer from left radial motor neuropathy. *See* Pet. ¶¶ 7, 15–19, ECF No. 1.

On December 20, 2021, Respondent filed his report pursuant to Vaccine Rule 4(c). Resp't's Report, ECF No. 20. Respondent "recommend[ed] that compensation be awarded for left radial nerve injury." *Id.* at 1. He stated that a review of the record indicated that "a preponderance of the evidence establishes that [P]etitioner's left radial nerve injury was caused-in-fact by the flu vaccine that [P]etitioner received on November 12, 2017" *Id.* at 7. Respondent stated that "the statutory six month sequela requirement has been satisfied." *Id.* Respondent concluded that "[P]etitioner has satisfied all legal prerequisites for compensation under the Act." *Id.* Respondent noted that "[t]he scope of damages to be awarded are limited to [P]etitioner's left radial nerve injury." *Id.* at 8.

¹ This Ruling shall be posted on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the Internet.** In accordance with Vaccine Rule 18(b), a party has 14 days to identify and move to delete medical or other information that satisfies the criteria in § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted ruling. If, upon review, the I agree that the identified material fits within the requirements of that provision, such material will be deleted from public access.

² National Childhood Vaccine Injury Act of 1986, Pub L. No. 99-660, 100 Stat. 3755 ("the Vaccine Act" or "Act"). Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

A special master may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. §300aa-13; Vaccine Rule 8(d). In light of Respondent's concession and a review of the record, I find that Petitioner is entitled to compensation. This matter shall now proceed to the damages phase.

IT IS SO ORDERED.

s/Herbrina D. Sanders
Herbrina D. Sanders
Special Master